

### REMARKS

#### Information Disclosure Statement

A Second Supplemental Information Disclosure Statement (IDS) was filed on July 1, 2002. Applicants request that the Examiner return a copy of PTO Form 1449 included with the Second Supplemental Information Disclosure Statement, initialed by the Examiner to indicate that the cited references were considered.

#### Claim Amendments

Claims 72 and 74 have been cancelled.

Claim 42 has been amended to recite that at least one lipase inhibitor and a fat binding polymer are administered to a mammal. The amendment provides antecedent basis for the limitation found in Claim 45, as filed. Because the amendment adds a limitation to the claim, Applicants believe that the amended claim continues to be allowable.

Claims 59 and 60 have been amended to add punctuation and to more clearly label the structural formula.

Claims 71 and 73 have been amended to be directed to a pharmaceutical composition containing an inert pharmaceutical adjuvant material and a polymer comprised of the repeat units shown therein. Support for the amendment can be found at page 23, line 28 to page 24, line 6.

#### Rejection of Claims 71-74 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 71-74 as obvious over Niike, *et al.* (JP 04333694; hereinafter "Niike"). The Examiner states Niike teaches a copolymer where one of the monomers is a diallylammonium compound substituted with methyl, ethyl, propyl, hydroxyethyl, hydroxypropyl or dihydroxypropyl groups. The Examiner concludes that it is obvious to employ dihydroxypropyl groups as the substituents because dihydroxypropyl is one of the few known substituents.

Claims 71 and 73 have been amended to claim a pharmaceutical composition containing a carrier or diluent and a polymer comprised of the repeat units shown therein. Claims 72 and 74 have been cancelled.

According to the abstract of Niike supplied by the Examiner (CA Accession No. 1993:256861), the copolymers of Niike are dispersing agents. There is no disclosure in the abstract of Niike that the copolymers disclosed therein can serve as pharmaceutical agents. One skilled in the art would therefore not be motivated to or have reason to expect that such copolymers would be effective as pharmaceutical agents. Thus, the claimed subject matter is not obvious over Niike. Reconsideration and withdrawal of the rejection are requested.

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Steven G. Davis

Registration No. 39,652

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

*November 19, 2002*

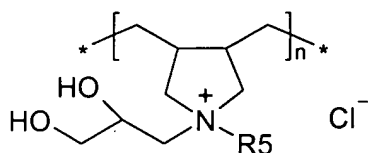


MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

42. (Amended) A method of treating obesity in a mammal comprising the step of orally administering to the mammal an effective amount of at least one lipase inhibitor and a fat binding polymer, salt, or copolymer thereof, characterized by a repeat unit having the formula:

[(VII)]

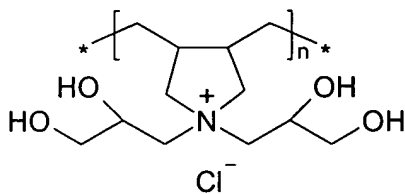


(VII).

[Wherein] wherein R5 = H, or an alkyl chain from C<sub>1</sub> to C<sub>22</sub>.

59. (Amended) A method for treating hypertriglyceridemia in a mammal comprising the step of administering to the mammal a therapeutically effective amount of at least one lipase inhibitor and a polymer characterized by a combination of repeat units having the formula:

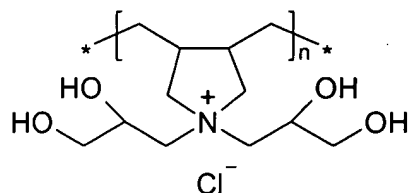
[(VI)]



(VI).

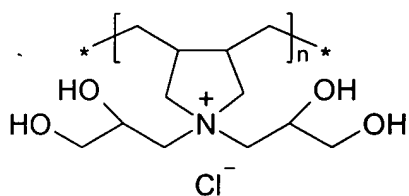
60. (Amended) A method for reducing the absorption of dietary fat in a mammal comprising the step of orally administering to the mammal a therapeutically effective amount of at least one lipase inhibitor and a polymer characterized by a combination of repeat units having the formula:

[(VI)]

(VI).

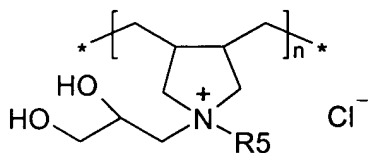
71. (Amended) A pharmaceutical composition comprising an inert pharmaceutical adjuvant material and a polymer, salt or copolymer thereof characterized by a repeat unit having the formula:

[(VI)]

(VI).

73. (Amended) A pharmaceutical composition comprising an inert pharmaceutical adjuvant material and a polymer, salt or copolymer thereof characterized by a repeat unit having the formula:

[(VII)]

(VII).

wherein R<sub>5</sub> = H, or is an alkyl chain from C<sub>1</sub> to C<sub>22</sub>.